

Existing law provides that whoever commits the crime of illegal carrying of weapons with any firearm used in the commission of a crime of violence, within 1,000 feet of any parade or demonstration for which a permit is issued by a governmental entity shall be fined not more than \$2,000, or imprisoned, with or without hard labor, for not less than one year nor more than five years, or both.

Proposed law would have changed existing law to define the crime as the illegal carrying of a firearm within 1,000 feet of any parade or demonstration for which a permit is issued by a governmental entity.

Proposed law would have provided that proposed law shall not apply to:

- (1) A federal, state, or local law enforcement officer in the performance of his official duties.
- (2) Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.
- (3) The possession of a firearm occurring within 1,000 feet of a parade and entirely on private property, within a private residence, or in accordance with a concealed handgun permit.
- (4) The possession of a firearm by a person who holds a valid certificate as a living historian in the use, storage, and handling of black powder issued by the office of state parks for the purpose of historic reenactments if the firearm is a black powder weapon which is an antique firearm.
- (5) The possession of a firearm which is authorized as a part of the parade.
- (6) Active and retired law enforcement officers authorized to carry concealed weapons under federal law.
- (7) Persons lawfully engaged in hunting or a sport shooting activity on public or private property where such hunting or sport shooting activity is lawfully permitted. Defines "sport shooting" as competitive or recreational activity that involves the use and discharge of any firearm, including but not limited to trap, skeet and target shooting.
- (8) A person who is transporting a firearm from a place of lawful purchase or repair.

Would have become effective August 15, 2009.

(Proposed to amend R.S. 14:95.2.1(A); Proposed to add R.S. 14:95.2.1(D))

VETO MESSAGE: Under current law, it is illegal to carry a firearm “used in the commission of a crime of violence” within a parade zone. The purpose of this qualifying language is to require that the illegal *use* of a firearm is the primary element of the offense, not the mere possession of a firearm. House Bill No. 523 removes this important provision and criminalizes certain acts of mere possession. The National Rifle Association and others have requested veto of this bill in part because it does not exempt firearm carriers with a valid permit under R.S. 40:1379.3 or unintentional violators. In addition, I have signed House Bill No. 44, which creates the crime of reckless or criminally negligent discharge of a firearm within 1,000 feet of certain public events, including parades. For these reasons, I have vetoed House Bill No. 523 and hereby return it to the House of Representatives.